THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO.20327 OF 2007

DATED: 27-09-2007

BETWEEN

M. Siddaiah, S/o. M. Narasaiah,
Occ: Agirculture,
R/o. Siddualapalli Village,
H/o. Tallapaka Revenue Village,
Rajampet Mandal,
Kadapa District and others.

...PETITIONERS

AND

The District Collector,
Kadapa, Kadapa District
and two others.

...RESPONDENTS

ORDER:

Learned counsel for the petitioners submits that the petitioners are the assignees of small extents of lands assigned in their favour in 1985 and 1987 in Sy.Nos.1226, 1227, 1228, 1225, 1210/2, 1224, 1255/3, 1255/1, 1255/2 and 255/4 situated in Madanagopalapuram Revenue Village, Rajampet Mandal, Kadapa District and that they have not violated any of the conditions of the D-Form pattas or any of the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act). He further submits that, while so, the Tahasildar, Rajampet – third respondent issued separate notices to each of the petitioners in Ref: C/435/2007 dated 13.09.2007, which was served on 21.09.2007 and 22.09.2007,
to explain as to why the D-Form patta should not be cancelled.

2. A perusal of the said notice goes to show that the petitioners are the assignees and DKT patta have been granted to them but they have not brought the lands under cultivation within three years from the date of sanction of pattas and therefore, the petitioners were directed to submit an explanation within 15 days or within 7 seven days from the date of receipt of the said notice.

3. Learned counsel for the petitioners further submits that the petitioners made a representation dated 22.09.2007 stating that the said notices have been served on 21.09.2007 and 22.09.2007 and that they require 7 more days' time to submit their explanation.

4. Admittedly the said notices are show cause notices alone. Therefore, I am of the opinion that the petitioners cannot question the said show cause notices without there being any orders passed against their interest. However, having regard to the facts and circumstances of the case, the petitioners are permitted to submit an explanation to the said show cause notices within ten (10) days from today and on filing such explanation, the third respondent is directed to consider and dispose the same, after giving reasonable opportunity to the petitioners, in accordance with law and till the final orders are passed the petitioners shall not be dispossessed from the lands in question.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

September 27, 2007
DSK